



Montana Environmental Trust Group, LLC
Trustee of the Montana Environmental Custodial Trust
PO Box 1230, East Helena, Montana 59635
Telephone: (406) 227-1242

March 7, 2013

Betsy Burns
RCRA Project Officer
EPA Region VIII
Montana Office
10 West 15th St., Suite 3200
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During September 2012

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of September 2012 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for East Helena (EH) Site
September 2012**

#	Topics & Subtasks	Date(s)	Major Activities ⁱ	Con ⁱⁱ
I.	RCRA Corrective Action			
A.	Investigations, Studies, Analyses and Data Collection			
1.	Phase II RFI	During Period	No significant Phase II RFI activities occurred during the reporting period.	NA
2.	FSAP	9/4/12	Hydrometrics continued to request the access agreement from the CT for 2012 well drilling.	HY
		9/13/12	Hydrometrics conducted site-wide GW level monitoring.	HY
		9/17-28/12	Hydrometrics conducted the September semi-annual monitoring event.	HY
3.	Risk Assessment	During Period	No significant risk assessment activities occurred during the reporting period.	NA
4.	Upper Lake Aquifer Test	During Period	<ul style="list-style-type: none"> EH personnel inspected the condition and integrity of and removed debris from the UL diversion structure and smelter dam. They also adjusted the underflow gates on the dam to manage water levels behind the dam. The CT continued daily: collection of water level data in UL, LL, and Prickly Pear Creek (PPC) (upstream and downstream of the dam); and turbidity monitoring (upstream of the dam, downstream of the dam and at locations in East Helena (near the Main Street Bridge and downstream). 	TS
		During Period	Hydrometrics continued their UL data analysis.	HY
5.	GW Model	During Period	Hydrometrics began reviewing the Steady State model report created by AMEC and responded to questions from AMEC on the HDS flows and site stratigraphy.	HY
6.	Database Management	During Period	Linda Tangen worked on the June 2012 EH MW Data Validation report and producing soils database revisions	LT HY
7.	Project Management	During Period	No significant project management activities occurred during the reporting period.	NA
B.	Interim Measures			
1.	SPHC IMs	9/5/12	Submitted ESA consultation technical memorandum to USFW in Helena (Ann Vandehey/USFW and Karen Nelson/USFW). Memorandum was prepared by Marlana Gulhke/CH2M HILL and Lisa Faraman/MMI. Copy provided to MECT on 9/6/12. The project has no "take" issues on ESA listed and candidate species.	CH MM HY PT
		9/7/12	Prepare and deliver 90% sealed drawings to FEMA, DNRC, L&C County, City of East Helena	CH MM
		9/11/12	JA #1: Submitted permit application to ACOE, LCCC, and DNRC. Copies were hand delivered with receipt documented. Electronic copies provided to MECT.	CH MM HY PT
		During	<ul style="list-style-type: none"> Continued work on defining the interim HDS discharge options which includes various disposal methods (groundwater 	CH

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		Period	discharge through infiltration, land application, PPC discharge, COEH water treatment plant discharge <ul style="list-style-type: none"> • Preparation of MPDES discharge options technical memo • Discuss CLOMR notifications with City of East Helena (B. Casey, M. Rieley) and Lewis and Clark County (P. Spengler) • Site walkthrough with CT, PTS, Lewis & Clark CD, and FWP to review Bypass project. 	MM HY PT
2.	ET Cover System IMs	During Period	<ul style="list-style-type: none"> • Completed preparation of the 90% Phase 1 Demolition contract document package and presented to MECT and EPA, prepared updated demolition bidders list, continued preparation of demolition construction sequencing plan • Developed Concept Plan and Profile for City of East Helena water main alternative connection • Continued preparation of the ET cover technical memorandum to include recommendation for construction of an onsite test plot in 2013 • Began survey work related to identifying and locating easements and property lines at the Smelter Site • Provided easement exhibit and for parcels 16, 17, 18 and 10 south of Highway 12 and west of Highway 518 	CH MM HY
		During Period	Sent LOIs to 13 contractors, received responses from 12. 6 were safety prequalified, 4 were not approved, and 2 declined to bid but want to bid future work. Pre-qualified: Helena Sand and Gravel, Magnus, Recon, Envirocon, Jackson Demolition, Trapper Peak Construction. Not pre-qualified: URS/Cleveland (OSHA and fatality), Brandenburg (OSHA Citations), Shaw (OSHA Citations), and NCN (multiple OSHA Citations). Silverado did not respond. ENTACT and Enercon declined but want to focus on future opportunities.	CH MM HY
3.	Source Removal IMs	During Period		CH
4.	IM Work Plans	During Period	<ul style="list-style-type: none"> • Completed and posted Final IMWP 2012, issued to Beneficiaries and other interested parties • Prepared Addendum to the IMWP 2012 to include comments and EPA responses to these comments and issued Addendum to parties that received hard copies of the document. • Prepared and submitted draft of IMWP 2013 to METG. 	CH
5.	RCRA Team Support	During Period	<ul style="list-style-type: none"> • Continued work on various CSMs, focusing on LOSA, Acid Plant Area, and Tito Park • Continued peer review of Flow Model Development TM • Prepared technical memo and continued work on CAMU #3 leachate prediction/modeling. 	CH MM HY
6.	General (Programmatic) IMs	During Period	Continued work on draft Tito Park/Upper Ore Storage Area/Lower Lake conceptual site models	CH HY
7.	Project Management	During Period	<ul style="list-style-type: none"> • Prepared and issued Draft 2012 LOE for preparation of updated IM ROM cost estimate. Completion of this estimate will support preparation of the CT budget for 2013 IM implementation, obtained accruals for all subcontractors. • Began preparation of ETCs and EACs for the remainder of the project through 2012. 	CH
8.	Permitting	During Period	No significant permitting activities occurred during the reporting period.	NA
C.	CMS			
II. Beneficiary/Stakeholder Communications				
A.	Beneficiary Communications	09/21/12	Meeting - Demolition Phase I Bid Package Presentation	
B.	Stakeholder Communications	09/27/12	Lewis and Clark County Board of Health Meeting	
		09/20/12	EHECTIC Meeting	

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		09/28/12	Lewis & Clark Conservation District - SPHC Site Project Inspection	
III. Site Management & Operations				
A.	Site-Wide Health & Safety/Regulatory Compliance	During Period	<ul style="list-style-type: none"> EH personnel completed weekly and monthly inspections of health and safety systems, CAMU #1 and #2 liners, temporary liners, natural gas hoses and hazardous waste roll-offs Requested a quote from NW Linings to replace the AP drying and Sinter liners on the site Completed construction of the tire wash station near the Bath house, including moving the Acid loading shed to the bath house to house the washing equipment, installing gravel, city water and heat trace, a drain pipe and heater / electrical in the tire wash shed. They also applied a thin layer of road mix over gravel to prevent trucks from getting stuck, and insulated the water line leading to the cleaning shed. 	CT TS HY
B.	Site Security	During Period	No significant site security activities occurred during this reporting period.	NA
C.	Plant Operations	9/13/12	Emerald recycling picked up all accumulated Universal waste, including used oil and oil filters, and florescent lamp tubes.	CT
		9/18-19/12	<ul style="list-style-type: none"> EH personnel began maintenance on the site sweeper, including installing filters and a hopper seal and making a test run with the sweeper. Hydrometrics sampled the road sweepings to determine if the material is classified as hazardous waste. The road sweepings were placed in a red dumpster in the car wash with proper labeling until the sample results are received. 	TS
		During Period	<ul style="list-style-type: none"> EH personnel boarded up the windows and installed a HASP on the Manager's guest house Reinstalled the lego blocks across the south access of Montana Ave near the Manager's house Moved salvaged items from the old Manager's house in to the Manager's house garage Relocated the second City garbage dumpster to the bath house parking lot for non-hazardous waste Removed an unsafe power pole near the blast office Performed maintenance on the HDS building, including repairing the City water line and removing the rusted tin and foam insulate. 	TS
D.	Stormwater Management	9/11/12	The CT submitted the HDS water treatment plant DMR's to the DEQ for the month of August.	CT
		During Period	<ul style="list-style-type: none"> EH personnel, along with Dan Maness, worked on PLC programming changes. They tested the spare SCADA computer and found the hard drive is BO. They are looking for options for a backup computer since the HDS water treatment plant cannot operate without the SCADA computer. Working with the PLC software supplier to locate a copy of the old driver software to set up a spare computer. 	TS
E.	Documents & Records	During Period	No significant other Documents & Records activities occurred during this reporting period.	NA
F.	Water Rights	9/27/12	Gary Burnham informed the CT that he will be operating the irrigation pump in Simac Field until October 10.	CT
G.	Other Property Management	During Period	EH personnel began demolition activities at the former Manager's house property, including receiving appropriate training requirements, ACM verification survey, moving demolition equipment to the area, setting up fire hydrant hoses for dust control, obtaining appropriate NESHAP permits, salvaging materials as available for the L&CC Historical Society, and backfilling the foundation hole. This work began on 9/10 and was completed on 9/17.	CT HY TS
		9/17/12	EH personnel moved contaminated soil in the staging bin at the Manlove cabin into East Fields and leveled it out.	TS

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H.	Other Site Operations	During Period	No significant other site operations activities occurred during this reporting period.	NA
IV. Property Use/Development				
A.	Agricultural Leases	9/20/12	EH personnel serviced the irrigation pump supplying water to Gary Burnham at Simac fields.	TS HY
B.	Community Land Uses	9/17/12	The CT was contacted by David Klass regarding permission for the Baptist Church sign on the corner of East Fields on Hwy 518.	CT
C.	Redevelopment & Property Sale	During Period	No significant redevelopment and property sale activities occurred during this reporting period.	NA
D.	Slag Re-Processing	9/6/12	Smith Contracting loaded 17 railroad cars with crushed slag for Metallica, which is to be shipped to British Columbia.	CT
E.	City/County Land Transfers	During Period	No significant City/County land transfer activities occurred during this reporting period.	NA
V. CT Operations & Financial Affairs				
A.	Personnel & Office Operations	During Period	The CT moved into the new office structure located on Manlove Avenue.	CT TS
B.	Financial Affairs	During Period	The CT continued to evaluate and review PO's for CH2MHill and SP4C continued development of CT project controls systems .	CT CH SP
VI. Upcoming Activities				
		10/03/12	East Helena Beneficiaries Meeting	
		10/16/12	Review 2013 Draft East Helena Clean-up Account Budget	
		10/23/12	Asarco - COEH Water Line Design Review with COEH	

ⁱ See [Attachment I](#) for a list of acronyms used in the weekly progress reports.

ⁱⁱ “Con” refers to consultants, contractors and third-party professionals involved in the specific tasks and activities. A list of all such consultants, contractors and third-party professionals, along with the corresponding abbreviations used in the weekly progress reports, is provided in [Attachment II](#).

Section 3. Describe and estimate the percentage of studies completed.

No projects or studies were completed in September 2012. A complete listing of projects completed in 2012 will be reported in the January 2013 Progress Report.

Section 4. Describe Actions being taken to address problems.

There were no actions required to address problems associated with the Decree.

Section 5. Identify changes in key personnel during the period.

None during the reporting period.

Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement. Issues related to the CAMU trust are stilling being resolved between the beneficiaries and ASARCO.

Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,

A handwritten signature in blue ink, appearing to be "Jim Ford", with a long horizontal stroke extending to the right.

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as
Trustee of the Montana Environmental Custodial Trust

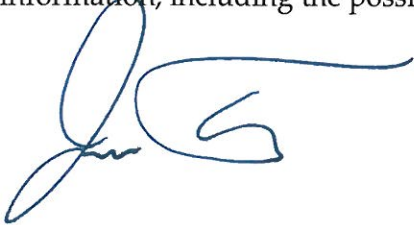
By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ
Randy Breeden - EPA 8
Chuck Figur - EPA 8

CERTIFICATION
PURSUANT TO U.S. v ASARCO INCORPORATED
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

A handwritten signature in blue ink, appearing to be "JG" with a long horizontal stroke extending to the right.

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as

Trustee of the Montana Environmental Custodial Trust

By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative